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Request for the inclusion of a supplementary item in the agenda of the fifty-eighth session

Question of the representation of the Republic of China (Taiwan) in the United Nations

Letter dated 5 August 2003 from the representatives of Belize, Burkina Faso, Chad, Dominica, the Dominican Republic, El Salvador, the Gambia, Grenada, Malawi, Nicaragua, Palau, Sao Tome and Principe, Solomon Islands, Swaziland and Tuvalu to the United Nations addressed to the Secretary-General

Upon instructions from our respective Governments, we have the honour to request, pursuant to rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-eighth session of a supplementary item entitled "Question of the representation of the Republic of China (Taiwan) in the United Nations". Pursuant to rule 20 of the rules of procedure of the General Assembly, we attach an explanatory memorandum (annex I) and a draft resolution (annex II).

(*Signed*) Stuart W. **Leslie**
Permanent Representative
Permanent Mission of Belize to the United Nations

(*Signed*) Michel **Kafando**
Permanent Representative
Permanent Mission of Burkina Faso to the United Nations

(*Signed*) Koumtog **Laotegguelnodji**
Permanent Representative
Permanent Mission of the Republic of Chad to the United Nations

03-45277 (E) 070803

(*Signed*) Crispin S. **Gregoire**
Permanent Representative
Permanent Mission of the Commonwealth of Dominica to the United Nations

(*Signed*) Marino de Jesús **Villanueva Callot**
Permanent Representative
Permanent Mission of the Dominican Republic to the United Nations

(*Signed*) Victor Manuel **Lagos Pizzati**
Permanent Representative
Permanent Mission of El Salvador to the United Nations

(*Signed*) Crispin **Grey-Johnson**
Permanent Representative
Permanent Mission of the Gambia to the United Nations

(*Signed*) Lamuel A. **Stanislaus**
Permanent Representative
Permanent Mission of Grenada to the United Nations

(*Signed*) Isaac C. **Lamba**
Permanent Representative
Permanent Mission of the Republic of Malawi to the United Nations

(*Signed*) Eduardo J. **Sevilla Somoza**
Permanent Representative
Permanent Mission of Nicaragua to the United Nations

(*Signed*) Hersey **Kyota**
Ambassador of the Republic of Palau to the United States of America

(*Signed*) Domingos Augusto **Ferreira**
Chargé d'affaires a.i.
Permanent Mission of Sao Tome and Principe to the United Nations

(*Signed*) Beraki **Jino**
Chargé d'affaires a.i.
Permanent Mission of Solomon Islands to the United Nations

(*Signed*) Clifford Sibusiso **Mamba**
Permanent Representative
Permanent Mission of the Kingdom of Swaziland to the United Nations

(*Signed*) Enele Sosene **Sopoaga**
Permanent Representative
Permanent Mission of Tuvalu to the United Nations

Annex I

Explanatory memorandum

The Republic of China (Taiwan) is a free and peace-loving state, and its democratically elected Government is the sole legitimate government that can represent the interests and wishes of the people of Taiwan in the United Nations. However, Taiwan is the only country in the world that remains excluded from the United Nations. Today, for the following reasons, there is an urgent need to examine this particular situation and to redress this mistaken omission.

1. Universality is one of the fundamental principles of the United Nations

The Preamble of the Charter of the United Nations speaks of the United Nations mission to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". This language clearly articulates the principle of universality, for all peoples and all nations. Furthermore, Article 4 of the Charter invites "all other peace-loving states" to join the Organization.

Since the end of the Cold War, the work of the United Nations has become increasingly important in global governance, and the principle of universality has taken on a new urgency. With the admission of East Timor and Switzerland, all the countries of the world have become members of this ever more truly global Organization — all except one, Taiwan. After all these achievements in realizing the principle of universality, the complete exclusion of Taiwan from the United Nations poses a moral and legal challenge to the international community.

Indeed, participation in the United Nations is the common wish of the people of Taiwan. Based on this strong public enthusiasm, securing such participation has become a paramount task of the democratically elected Government of Taiwan. In this time of globalization, all members of the international community should welcome these aspirations.

2. General Assembly resolution 2758 (XXVI) has not resolved the issues of the representation of Taiwan

From 1949 to 1971, the question of the representation of the People's Republic of China in the United Nations was disputed. The General Assembly of the United Nations finally adopted resolution 2758 (XXVI) on 25 October 1971, which seated the People's Republic of China in the United Nations. This resolution, however, did not address the issue of Taiwan's representation in the United Nations. Unfortunately, it has subsequently been misused to justify Taiwan's exclusion.

The text of resolution 2758 (XXVI) reads as follows:

> *The General Assembly*,
>
> *Recalling* the principles of the Charter of the United Nations,
>
> *Considering* that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.

It should be noted especially that resolution 2758 (XXVI) addressed only the issue of the representation of the People's Republic of China in the United Nations and all related organizations, did not decide that Taiwan is a part of the People's Republic of China, and did not confer on the People's Republic of China the right to represent the Republic of China on Taiwan or the Taiwanese people in the United Nations and all related organizations.

Despite the clear spirit and letter of the resolution, for the past 32 years since the adoption of this resolution, Taiwan has been excluded from the United Nations and Taiwan's 23 million people have been deprived of their fundamental human rights to participate in the work and activities of the United Nations — in violation of the United Nations Charter, the Universal Declaration of Human Rights, and other international human rights norms.

3. The Republic of China (Taiwan) is a sovereign state and a constructive member of the international community

Taiwan has a population of 23 million, and a fixed territory consisting of Taiwan and the islands of Penghu, Kinmen and Matsu. Taiwan has an effective Government that possesses ample capacity to conduct international relations with other states of the world community. This last fact is demonstrated by its maintaining full diplomatic relations with 26 Member States of the United Nations and active membership in numerous international organizations.

Taiwan is not, and has never been, a local government or province of the People's Republic of China. On the contrary, ever since the establishment of the People's Republic of China on 1 October 1949, the two sides of the Taiwan Strait have been governed separately, with neither having any control or jurisdiction over the other.

Following the end of four decades of authoritarian rule in 1987, extensive constitutional reforms made it possible for Taiwan to hold its first general parliamentary elections in 1992, and then in 1996 its first direct presidential election. In 2000, the first peaceful transfer of administrative power from one political party to another took place through the second presidential election. Taiwan will hold its third direct presidential election in March 2004.

Taiwan's successful democratization and unrelenting effort to promote human rights is evidence the people's perseverance and the Government's commitment to upholding and furthering peace. Thus, in his inaugural speech, President Chen Shui-bian emphasized the importance of democracy and peace for the people of Taiwan: "With our sacred votes we have proved to the world that freedom and democracy are indisputable universal values, and that peace is the highest goal of humanity."

Furthermore, as a democracy, Taiwan is committed to protection and promotion of human rights. The Government aimed to incorporate Taiwan into the international system of human rights protection, pledging to abide by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Vienna Declaration and Programme of Action. To carry out these goals, Taiwan is establishing a National Human Rights Commission in accordance with the principles laid down by the United Nations.

All these symbolize that the result of democratic reforms is phenomenal and could serve as an example for countries wishing to embrace democracy.

4. Taiwan's exclusion from the United Nations constitutes discrimination against its people, depriving them of their fundamental right to benefit from and contribute to the work of the United Nations

As a newly developed economy, Taiwan is confronted with a wide variety of issues and needs in areas such as environmental protection, demographic shifts, the provision of health care and the control of infectious diseases, food and energy security, safer and speedier international air travel and transportation, and efficient telecommunications. In a world of accelerating interdependence, these areas must be increasingly addressed by international mechanisms and cooperation, and the United Nations and its specialized agencies have taken the lead in many of these processes.

However, General Assembly resolution 2758 (XXVI) has often been invoked by both the People's Republic of China as well as officials of the United Nations to prevent not only governmental agencies, but also non-governmental organizations and even individuals from Taiwan from participating in the activities of the United Nations, including all activities related to the Economic and Social Council. This unjust exclusion of Taiwan's Government, civic organizations and individuals runs directly counter to the fundamental principle of universal participation that the United Nations upholds. Moreover, it infringes on the rights of the people of Taiwan to be represented in the United Nations system and to engage in the wide range of substantive programmes of the United Nations for the mutual benefit of all.

Among the most recent examples of this discrimination are the following:

(1) While the Government of Taiwan is willing to contribute its financial and human resources to the Global Fund to Fight AIDS, Tuberculosis and Malaria, it has not been invited to any of the various United Nations-sponsored conferences and programmes on HIV/AIDS; nor have researchers and NGOs from Taiwan been allowed to participate in combating these diseases.

(2) Taiwan — itself an active contributor of official development assistance to many countries — was not invited to the International Conference on Financing for Development held in Monterrey, Mexico, in March 2002.

(3) Despite Taiwan's serious efforts in improving children's rights over the past three decades, Taiwan was unable to attend the General Assembly special session on children in May 2002.

(4) Although the Taipei Flight Information Center and five major airports in Taiwan provide a huge number of flight information services (a total of 419,000 in the year 2002), Taiwan's Civil Aeronautics Administration continues to be barred from the activities of the International Civil Aviation Organization (ICAO).

(5) Without Taiwan's participation in appropriate international mechanisms to respond effectively to the Security Council's call for action on international terrorism in September 2001, there exists a critical gap in the global network to safeguard against terrorism and money-laundering.

(6) Taiwan's government is willing to provide Afghanistan and Iraq with medical, food and other related assistance. Nevertheless, no United Nations bodies are willing to accept Taiwan's aid for Afghanistan and Iraq. This surely is neither in the interests of the Afghan and Iraqi people, nor that of the world community at large.

(7) Taiwan is a responsible member of the international community. It has long adhered to regulations related to environmental protection and worked strenuously to contribute to global sustainable development. In order to implement the Rio Principle and Agenda 21, Taiwan established a National Sustainable Development Committee to consolidate public and private resources to promote sustainable development at the national level. The Committee has made great achievements. Nevertheless, Taiwan was excluded from participation in the United Nations-sponsored World Summit on Sustainable Development, held in Johannesburg, South Africa, from August to September 2002.

(8) Finally, the outbreak of severe acute respiratory syndrome (SARS) in Taiwan in 2003 has made it clear that Taiwan should not be excluded from the global network for preventing the spread of infectious diseases, and that it needs to immediately be allowed to join the WHO Global Outbreak Alert and Response Network and all WHO-related activities.

It is high time that the United Nations and its specialized agencies stop ignoring and excluding Taiwan. Taiwan's inclusion will enable it to contribute to and benefit from the global efforts led by the United Nations, while the continued exclusion of Taiwan will violate the rights of Taiwan's 23 million people and greatly diminish these important efforts.

5. Taiwan has carried out all United Nations Charter obligations, and will continue to do so

Of course, while all peoples have the right to participate in the United Nations, these rights come with serious obligations. All must work towards the purposes of the Organization as set out in Article 1 of the Charter according to the principles laid down in Article 2. Moreover, Article 56 enjoins all nations to "pledge themselves to take joint and separate action" for the achievement of the purposes set forth in Article 55, including "(a) higher standards of living, full employment, and conditions of economic and social progress and development; (b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".

As a peace-loving country and a vibrant democracy, Taiwan is fully able and willing to carry out these solemn obligations, because it shares the United Nations ideals of peace, human rights and development. Moreover, with its internationally recognized achievements in economic and social development, Taiwan is also fully able to carry out its obligations. Over the past half-century, Taiwan's hardworking

people have transformed their country into the world's seventeenth largest economy, with the world's fifteenth largest trade volume. This economic performance has already contributed greatly to both regional and global prosperity, and surely enables Taiwan to carry out all United Nations Charter obligations.

As a successful example of modern economic development, Taiwan's experience is especially valuable for developing nations, and it has always been willing to share this experience with the world by engaging in various foreign assistance and relief programmes. Since foreign aid played a crucial role in the early stages of Taiwan's development, the people of Taiwan strongly feel that it is their responsibility to return this generosity. They have supported a steady expansion of Taiwan's overseas development assistance, which has risen to 0.15 per cent of GDP. Although this sum is still below the target for fully developed countries, it is nonetheless significant, the more so when it is realized that Taiwan is prevented from contributing to the main multilateral aid programmes. In May 2003, Taiwan had 38 long-term technical missions stationed in 32 partner countries to strengthen local skills in fields such as agriculture, fisheries, horticulture, animal husbandry, handicrafts, medicine, transport, industry, mining, electricity production, printing, vocational training, and trade and investment. These and other programmes fully demonstrate Taiwan's sincerity and capacity to achieve meaningful development for all peoples of the world.

In the area of humanitarian assistance, Taiwan is also playing an increasingly active role. In 2001, Taiwan officially dispatched a rescue team and supplies to El Salvador following two earthquakes, and NGOs from Taiwan contributed to relief efforts following an earthquake in the Indian state of Gujarat. In addition, the government of Taiwan, in cooperation with its civil society, delivered humanitarian relief goods to refugees in Afghanistan and Iraq to contribute to rehabilitation following the conflicts in those countries.

These activities continue to grow in scale and scope, despite Taiwan's exclusion from participation in related multilateral venues. Of course, Taiwan's endeavours would be much more effective if they could be coordinated with international efforts undertaken by the United Nations and its specialized agencies. In a time of increasingly serious resource gaps in many programmes of vital importance for the well-being of humanity, it is irresponsible for the international community to refuse to work together with a willing partner like Taiwan.

6. Taiwan's participation in the United Nations will help maintain peace, prosperity and stability in Asia and the Pacific

The paramount mission of the United Nations remains the maintenance of peace, prosperity and security throughout the world. Since stable relations across the Taiwan Strait are critical to the enduring peace, prosperity and security of the Asia-Pacific region, the United Nations has a responsibility to address this situation. Indeed, it can and should play a facilitating role by providing a forum for reconciliation and rapprochement between Taiwan and the People's Republic of China. Eventually, by working together, Taiwan and the People's Republic of China have the potential to make great contributions towards peace, prosperity and stability, to the benefit of not only the peoples on both sides of the Taiwan Strait, but throughout the region. The United Nations, according to its responsibilities, should take all measures to encourage and facilitate this outcome.

The leaders of Taiwan have frequently reiterated appeals to the leaders of the People's Republic of China for peaceful settlement of political disputes between the two sides. Taiwan has also taken concrete steps to normalize trade relations with the People's Republic of China so as to pave the way for political reconciliation. These measures include the establishment on 1 January 2001 of direct trade, communications and transportation links between Taiwan's offshore islands of Kinmen and Matsu and China's ports of Xiamen and Fuzhou. In his statement on 9 May 2002 on the islet Tatan, President Chen Shui-bian of Taiwan reiterated his appeal to leaders of the People's Republic of China to resume dialogue between the two sides of the Taiwan Strait without any preconditions, and stated that normalization of relations across the Taiwan Strait should start with economic, trade and cultural exchanges. It should be noted that in January 2002 both Taiwan and the People's Republic of China became full members of the World Trade Organization (WTO). It is expected that WTO will serve as a constructive platform for dialogue on trade and economic issues between the two sides. Likewise, the United Nations and its specialized agencies can provide a multilateral forum for contacts on a wider range of issues. This interaction will help build mutual trust and confidence between Taiwan and the People's Republic of China and its effects will certainly contribute to peace, prosperity and stability in Asia and the Pacific.

7. The representation of the Republic of China (Taiwan) in the United Nations will contribute to the common interests of all humankind

Taiwan's representation in the United Nations will fulfil the principle of universality in membership, making the world body more representative, comprehensive and effective. It will also contribute to the maintenance of international peace and security and to enhancing international cooperation in political, economic, social and cultural development, as well as in human rights and humanitarian affairs.

Taiwan needs the United Nations, and the United Nations needs Taiwan!

Annex II

Draft resolution

The General Assembly,

Considering, with concern, the fact that the 23 million people of Taiwan are the only remaining people in the world who still lack representation in the United Nations, which situation violates the principles and spirit of the Charter of the United Nations, in particular the fundamental principle of universality, and of the Universal Declaration of Human Rights,

Recalling that by resolution 2758 (XXVI) the General Assembly decided to "restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it",

Recalling, further, that General Assembly resolution 2758 (XXVI) addressed only the issue of the representative of the People's Republic of China in the United Nations and all related organizations, did not decide that Taiwan is a part of the People's Republic of China, and did not confer on the People's Republic of China the right to represent Taiwan or the Taiwanese people in the United Nations and all related organizations,

Noting the fact that, since its establishment in 1949, the People's Republic of China has never exercised any control or jurisdiction over Taiwan, nor has the government of the Republic of China on Taiwan ever exercised any control or jurisdiction over the territory of the People's Republic of China,

Noting, further, that Taiwan has remarkably transformed itself into a free, democratic State after terminating four decades of authoritarian rule,

Acknowledging that the democratically elected Government of the Republic of China (Taiwan) is the sole legitimate Government that can represent Taiwan and the Taiwanese people in the United Nations and the international community,

Observing that the people of Taiwan and their elected leaders are committed to the universal values of democracy, freedom and human rights as well as to the enhancement of international cooperation on economic, social and cultural development and humanitarian assistance,

Mindful of the importance of the strategic position of Taiwan in the Asia-Pacific region, and that the participation of Taiwan in the United Nations will contribute significantly to the maintenance of international peace and security in that region through preventive diplomacy,

Decides:

(a) To recognize the right of the 23 million people of the Republic of China (Taiwan) to representation in the United Nations system;

(b) To take appropriate measures to implement paragraph (a) of this resolution.